

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES,  
DERIVATIVE & "ERISA" LITIGATION

**MDL No. 1658 (SRC)**

**Civil Action No. 2:05-CV-2367 (SRC)(CLW)**

THIS DOCUMENT RELATES TO:  
THE AFA LIVFÖRSÄKRINGSAKTIEBOLAG  
ACTION:  
CIVIL ACTION NO. 07-04024 (SRC)(CLW)

**Civil Action No. 07-04024 (SRC)(CLW)** *CL only*

**STIPULATED ORDER OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

**WHEREAS** Plaintiff Fjärde AP-fonden ("Plaintiff") wishes to voluntarily dismiss its claims in the above-referenced direct action in its entirety pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

**WHEREAS** Defendants, by and through their respective counsel, have agreed to Plaintiff's request to voluntarily dismiss its claims in this action with prejudice as to Plaintiff's rights to file any future action against Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, but without prejudice as to Plaintiff's rights to seek to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW) (Dkt. Nos. 472-473), including seeking to participate in any settlement or judgment obtained on behalf of such Class; and

**WHEREAS** all parties have agreed to bear their own costs and attorneys' fees incurred in connection with this action;

**IT IS HEREBY STIPULATED AND AGREED**, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and upon the stipulation and agreement of the parties, by and through their respective counsel, that Plaintiff's claims in the above-captioned action are hereby DISMISSED with prejudice to the filing of any future action by Plaintiff against

Defendants arising out of the same facts, transactions or occurrences as the claims asserted in the above-captioned action, and without prejudice to Plaintiff's right to seek to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), including seeking to participate in any settlement or judgment obtained on behalf of such Class, with all parties to bear their own costs and attorneys' fees. The parties reserve their respective rights to make any arguments with respect to any application by Plaintiff to pursue claims as a member of the Class certified in Case No. 2:05-CV-2367 (SRC)(CLW), except that the parties shall not cite either the fact of filing the above-captioned action or the fact of its dismissal pursuant to this Stipulation as an argument for, or against, participation in the Class.

**STIPULATED AND AGREED:**

Dated: June 13, 2013

**CRAVATH, SWAINE & MOORE LLP**

/s/ Karin A. DeMasi

Evan R. Chesler  
Robert H. Baron  
Karin A. DeMasi  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
(212) 474-1000

**HUGHES HUBBARD & REED LLP**

William R. Stein  
Eric S. Parnes  
1775 I Street, N.W.  
Washington, D.C. 20006-2401  
(202) 721-4600

*Counsel for Defendants Merck & Co., Inc.  
and Alise S. Reicin*

Dated: June 13, 2013

**KESSLER TOPAZ MELTZER  
& CHECK, LLP**

/s/ Michelle M. Newcomer

Stuart L. Berman  
Johnston de F. Whitman, Jr.  
Michelle M. Newcomer  
280 King of Prussia Road  
Radnor, Pennsylvania 19087  
(610) 667-7706

**SAIBER LLC**

Jeffrey W. Lorell  
Marc E. Wolin  
18 Columbia Turnpike, Suite 200  
Florham Park, New Jersey 07932-2266  
(973) 622-3333

*Counsel for Plaintiff Fjärde AP-fonden*

Dated: June 13, 2013

**SCHULTE ROTH & ZABEL LLP**

/s/ William H. Gussman, Jr.

Martin L. Perschetz, *admitted pro hac vice*

Sung-Hee Suh, *admitted pro hac vice*

William H. Gussman, Jr., *admitted pro hac vice*

919 Third Avenue

New York, New York 10022

(212) 756-2000

**LOWENSTEIN SANDLER PC**

Lawrence M. Rolnick

Sheila A. Sadighi

65 Livingston Avenue

Roseland, New Jersey 07068

(973) 597-2500

*Counsel for Defendant Dr. Edward M. Scolnick*

**SO ORDERED** this 17 day of June 2013

  
\_\_\_\_\_  
HONORABLE STANLEY R. CHESLER, U.S.D.J.  
United States District Judge